THE BOMBAY PROHIBITION OF SIMULTANEOUS MEMBERSHIP ACT, 1950.

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MO-V Bk H 2108—31a

BOMBAY ACT No. X OF 1950.[1]

[THE BOMBAY PROHIBITION OF SIMULTANEOUS MEMBERSHIP ACT, 1950.]

[*25th April 1950*]

An Act to provide for the vacation by a person who is chosen a member of both the Bombay Legislative Assembly and the Bombay Legislative Council of his seat in one House or the other.

WHEREAS it is necessary to provide, in accordance with Article 190 of the Constitution of India, for the vacation by a person who is chosen a member of both the Bombay Legislative Assembly and the Bombay Legislative Council of his seat in one House or the other and for certain other purpose ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Prohibition of Simultaneous Membership Act, 1950. Short title.

2. (*1*) Any person who is chosen a member of both the Houses of the Legislature of the State of Bombay and who has not taken his seat in any of the Houses may by notice in writing given in the manner and within the period prescribed in sub-section (*2*) intimate in which of the Houses he wishes to serve and any choice so intimated shall be conclusive and his seat in the House in which he does not wish to serve shall thereupon become vacant. If no such intimation is given the seat of such person in the Legislative Assembly shall become vacant. Prohibition of simultaneous membership.

(*2*) The notice in writing under sub-section (*1*) shall be signed by such person and delivered to the Speaker of the Legislative Assembly and the Chairman of the Legislative Council or to the person authorised by the Speaker and the Chairman, in this behalf within ten days from the date of publication in the *Official Gazette* of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, as the case may be.

(*3*) If a person who is already a member of the Legislative Assembly and has taken his seat in such Assembly is chosen a member of the Legislative Council, his seat in the Assembly shall, on the publication in the *Official Gazette* of the declaration that he has been so chosen, become vacant.

(*4*) If a person who is already a member of the Legislative Council and has taken his seat in such Council is chosen a member of the Legislative Assembly, his seat in the Council shall, on the publication in the *Official Gazette* of the declaration that he has been so chosen, become vacant.

3. Where the seat of a person either in the Legislative Council or the Legislative Assembly becomes vacant under sub-section (*1*) of section 2 the Returning Officer of the constituency concerned which has elected the candidate whose seat has become so vacant shall as soon as practicable declare elected the candidate to whom the next largest number of votes had been given in the election as if the person whose seat has become vacant had not contested that election. Filling up of seat becoming vacant under section 2.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 142.

BOMBAY ACT No. XV OF 1950.

[THE BOMBAY BUILDING (CONTROL ON ERECTION) (AMENDMENT) ACT, 1950.]

[*2nd May 1950*]

An Act to amend the Bombay Building (Control on Erection) Act, 1948.

Bom. XXXI of 1948.

WHEREAS it is expedient to amend the Bombay Building (Control on Erection) Act, 1948, for the purposes hereinafter appearing : It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Building (Control on Erection) (Amendment) Act, 1950.

2-5. [*The amendments made by sections 2–5 (both inclusive) have been incorporated in the principal Act.*]

Savings.

6. The amendments made in the said Act by this Act shall not affect—

(*1*) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*2*) any penalty, forfeiture or punishment incurred in respect of any offence committed before the commencement of this Act, or

(*3*) any legal proceeding or remedy in respect of any such right, obligation liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 176–177.

BOMBAY ACT No. XVII OF 1950.[1]

[THE BOMBAY LOCAL AUTHORITIES ADULT FRANCHISE AND REMOVAL OF RESERVATION OF SEATS ACT, 1950.]

[*2nd May 1950*]

An Act to provide for adult franchise in elections to, and for the removal of reservation of seats except for women, Scheduled Castes and Scheduled Tribes in, local authorities in the State of Bombay.

WHEREAS it is expedient to provide for adult franchise in elections to local authorities and to remove the reservation of seats for certain classes ;

Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925. Bom. VI of 1933.

AND WHEREAS it is necessary to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Municipal Boroughs Act, 1925, and the Bombay Village Panchayats Act, 1933, for that purpose and for certain other purposes ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Local Authorities Adult Franchise and Removal of Reservation of Seats Act, 1950. Short title.

2–7. [*The amendments made by sections 2–7 (both inclusive) have been incorporated in the Bombay District Municipal Act, 1901 (Bom. III of 1901), the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), and the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933).*]

8. Nothing in this Act shall affect the right of any Councillor or member elected to fill the seats reserved for Muslims or Muhammedans, Anglo-Indians or Indian Christians to continue as a Councillor or member of a municipality, local board or village panchayat, as the case may be, during the term of the office for which he was validly elected before this Act came into force. Saving.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950 Part V, pp. 186–187.